



DEPARTMENT OF THE ARMY

HEADQUARTERS, EIGHTH ARMY

UNIT #15236

APO AP 96205-5236

EACG

01 APR. 2016

MEMORANDUM FOR All Eighth Army Soldiers

SUBJECT: Eighth Army Command Policy Letter #16, Suspension of Pass Privileges for Soldiers under Investigation by Republic of Korea (ROK) Authorities

1. Reference. Manual for Courts-Martial, United States, 2012 Edition.

2. Purpose. To ensure Eighth Army Soldiers that are under investigation by civilian authorities for accusations of crimes against Korean nationals are not placed at risk for further accusations of violating Korean law.

3. Background.

a. Eighth Army Soldiers are good ambassadors of the command and their country when they interact with our Korean hosts in a respectful and disciplined manner. Committing a crime against a Korean national can have a long-term strategic impact on the ROK/US alliance and adversely affect the ability of Eighth Army to accomplish its mission.

b. It is essential to avoid alleged negative incidents involving a Soldier who is already being investigated or tried for prior crimes against Korean law. When a Soldier pending such an investigation or trial goes off a US installation for non-official purposes, it creates force protection, public safety, and strategic alliance concerns.

c. Under Rule for Courts-Martial 304(h), commanders have authority to place administrative limitations on Soldiers, if necessary, for operational or other military purposes independent of military justice. Such limitations may include temporary suspension of pass privileges.

4. Policy.

a. When Republic of Korea authorities begin investigating a Soldier for criminal conduct against a Korean national or Korean property, the immediate commander of the Soldier will inform him or her that pursuant to this policy the Soldier's off-post pass privileges are suspended for thirty (30) days. After the initial thirty day period, the immediate commander has discretion to extend the suspension based on factors surrounding the incident, including, but not limited to: the severity of the allegation, status of the investigation, safety of the Soldier, accountability, potential for further misconduct, whether the Soldier is on an International Hold, and media attention. As

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necessary, the commander may extend the suspension until completion of the investigation and any subsequent legal action. The commander will document in writing any suspension beyond thirty days and the reasons for the continued suspension.

b. This policy does not apply to those Soldiers being investigated or tried solely for traffic offenses that do not involve alcohol. In such cases, a commander may still independently choose to revoke the Soldier's off-post pass privileges for the purposes stated in this policy, but it is not required.

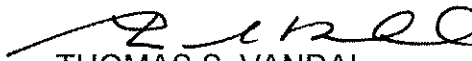
c. In all other cases, a commander may request an exception to this policy if suspension of pass privileges is not warranted under the specific circumstances of a given case. The approval authority is the Soldier's Summary Court-Martial Convening Authority (SCMCA), unless the Soldier is being investigated for rape, sexual assault, or forcible sodomy (or attempts thereof), then the approval authority is the Special Court-Martial Convening Authority (SPCMCA). While a request for an exception to this policy is under consideration, the Soldier's pass privileges will remain suspended.

d. Soldiers residing in off-post quarters affected by this policy may be granted an limited exception to the policy, by their immediate commander, in order to transit to and from work by the most direct route.

e. The suspension of pass privileges does not affect the performance of official duty. Soldiers whose pass privileges are suspended pursuant to this policy are authorized to perform official duties off-post (including authorized medical appointments), attend off-post criminal proceedings, and travel off-post to comply with Korean National Police investigations.

f. If not previously done, once a Soldier covered by this policy is removed from International Hold status, his or her pass privileges should be reinstated unless continued suspension is justified for reasons independent of this policy.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent of this policy. Contact the proponent at commercial 011-822-7918-4464/4445 or DSN 315-738-4464/4445.


THOMAS S. VANDAL
Lieutenant General, USA
Commanding